

The Kansas Open Records Act

The Kansas Open Records Act grants you the right to inspect and obtain copies of public records created or maintained by public agencies in Kansas. The Open Records Act, K.S.A. 45-215, et seq., as amended, declares that it is the public policy of Kansas that, generally, "public records shall be open for inspection by any person." Public records are defined as "any recorded information, regardless of form or characteristic, which is made, maintained or kept by or is in the possession of any public agency." The Kansas Board of Regents is a public agency for the purposes of this Act.

Examples of open public records maintained by the Kansas Board of Regents:

Policies adopted by the Kansas Board of Regents

Minutes/Records of open meetings of the Kansas Board of Regents, once approved by the Board

Salaries of Kansas Board of Regents officers and employees

Kansas Board of Regents and state university budget documents

Your rights

You have the right to

- 1) Request assistance from the agency's Freedom of Information Officer at any time.
- 2) Receive a response to your request within three business days of the date the request was received; the response may inform you that it will take additional time to produce the records.
- 3) Inspect and obtain copies of public records that are not exempted from mandatory disclosure by law.
- 4) File a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.

Your responsibilities

You may request existing records – written, photographic, or computerized. The Kansas Open Records Act does not require an agency to create records, answer questions or prepare reports. You must put your record request in writing, and you must provide proof of your identity, if requested.

You may not use any list of names and addresses in public records to solicit the purchase of services or property.

Reasonable fees, not exceeding actual cost, may be charged for copies of records, mailing costs, and staff time spent in processing your request or helping you to access records.

Requesting a record

Regular office hours on all business days are from 8 a.m. to 5 p.m. Records may be inspected during those hours. The Kansas Board of Regents office is closed on Saturdays, Sundays and official holidays.

We ask that you submit a written request to obtain copies of public records. No specific form is required. Please include the following information in your request:

Your name, mailing address, and a specific description of the records you are requesting. Make your request as specific as possible to expedite the process.

MAIL your request(s) to:

Renee Burlingham, Official Custodian

Kansas Board of Regents

1000 S.W. Jackson, Suite 520, Topeka, KS 66612

FAX your request(s) to: (785) 296-0983

E-MAIL your request(s) to rburlingham@ksbor.org with the subject line: Open Records Request

Record fees shall be charged in advance and work on the request will not commence until payment is received. Original agency records shall remain in the possession and control of an agency staff member during inspection and/or duplication.

Delayed and/or denied requests

All efforts will be made to process your request for public records as soon as it is received. However, some requests may be delayed or denied if:

More information is needed in order to identify or retrieve the records; legal issues must be addressed to determine if the records may be closed or released; the requested records are archived or stored off site; or the volume of records requested is large and will take time to duplicate.

Requests may be denied in whole or in part if: The requested record does not exist, the requested record is exempt from mandatory disclosure by law, the request is unclear and more information is needed, the request "places an unreasonable burden in producing public records;" or the custodian of the records "has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency."

If the request is delayed you will receive a written explanation for the delay within three business days of the date your request was received. If your request is ultimately denied for any reason, you will also be notified of that fact within three business days or, if it takes longer to make that determination, as soon as that outcome is decided or known.

If you request records containing names and/or addresses, or other information that the law restricts in some way, you will be required to provide written and signed certification that you will not use those records for purposes prohibited or limited by state law.

Denial of a person's inspection or copying request must be explained in writing and a written citation to the laws being relied upon must be provided if the person requests such an explanation.

Copies of radio or recording tapes or disks, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices shall not be furnished unless such items or devices were shown or played at a public meeting of the Kansas Board of Regents or other public body.

Charges and fees

Fees shall be charged and paid by the requester in advance. These fees shall apply to the provision of access to or copying public records. Fees for copies shall not exceed the actual cost incurred by the agency, including the cost of staff time required to comply with a request. Fees for providing access to computer records shall include the cost of computer services, including staff time required.

In accordance with this provision and the Kansas Open Records Act, K.S.A. 45-215 et seq., the following fees shall be charged for providing access to or furnishing copies of public records:

- Staff time will be charged at the rate of pay for the person(s) whose time is used in order to assist and/or respond to a specific record request.
- Copies of records produced at Board office in excess of 5 pages--\$.25 per page
- Copies or records produced by outside vendor-- actual cost
- Mailing of Record--actual cost
- Certification of record—actual cost
- Additional fees; any other costs actually incurred by the agency as a result of complying with a record request may be charged to the requester.

Exceptions to the Open Records Act

The Kansas Open Records Act recognizes that certain records contain private or privileged information. The Act lists several exceptions including, but not limited to:

Student Records

Personnel records of public employees

Medical treatment records

Records protected by attorney/client privilege

Records closed by the rules of evidence

Records containing personal information

Notes and preliminary drafts that have not been discussed at an open public meeting

Criminal investigation records

A list of exceptions may be found in K.S.A. 45-221, but other state and federal statutes may also restrict access to certain records. One pertinent example is the Family Educational Rights and Privacy Act (FERPA) (also known as the Buckley Amendment) which protects student records. Nothing in the Open Records Act supersedes federal or state law that mandatorily closes specific types of records, such as the FERPA.

If a record is only partially exempted from disclosure, the designated record custodian shall redact the exempted materials and make available the materials that are subject to disclosure. Records that are exempt because they pertain to an identifiable individual are subject to disclosure only if the identity of the individual can be protected.

Additional information

Additional information about the Kansas Open Records Act can be obtained at:

<http://www.ksag.org/files/shared/KORA.pdf> If you have questions about the Act or the Kansas Board of Regents' policies under it, contact Theresa Schwartz, the Kansas Board of Regents Freedom of Information Officer, at (785) 296-3689 or e-mail tschwartz@ksbor.org

The information contained in this brochure pertains to laws in effect on July 1, 2010.

The Kansas Open Records Act Kansas Board of Regents Your rights and responsibilities under the law